

**LOCAL BANKRUPTCY FORM 3015-1****IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

IN RE:

Charles A. Budzina

CHAPTER 13

CASE NO. 1 -bk-18- 04574 HWV

ORIGINAL PLAN

1st AMENDED PLAN (Indicate 1st, 2nd, 3rd, etc.)0 Number of Motions to Avoid Liens0 Number of Motions to Value Collateral**CHAPTER 13 PLAN****NOTICES**

Debtors must check one box on each line to state whether or not the plan includes each of the following items. If an item is checked as "Not Included" or if both boxes are checked or if neither box is checked, the provision will be ineffective if set out later in the plan.

1	The plan contains nonstandard provisions, set out in § 9, which are not included in the standard plan as approved by the U.S. Bankruptcy Court for the Middle District of Pennsylvania.	Included	✓ Not Included
2	The plan contains a limit on the amount of a secured claim, set out in § 2.E, which may result in a partial payment or no payment at all to the secured creditor.	Included	✓ Not Included
3	The plan avoids a judicial lien or nonpossessory, nonpurchase-money security interest, set out in § 2.G.	Included	✓ Not Included

**YOUR RIGHTS WILL BE AFFECTED**

READ THIS PLAN CAREFULLY. If you oppose any provision of this plan, you must file a timely written objection. This plan may be confirmed and become binding on you without further notice or hearing unless a written objection is filed before the deadline stated on the Notice issued in connection with the filing of the plan.

**1. PLAN FUNDING AND LENGTH OF PLAN.****A. Plan Payments From Future Income**

1. To date, the Debtor paid \$ 1,400.00 (enter \$0 if no payments have been made to the Trustee to date). Debtor shall pay to the Trustee for the remaining term of the plan the following payments. If applicable, in addition to monthly plan payments, Debtor shall make conduit payments through the Trustee as set forth below. The total base plan is \$ 17,300.00, plus other payments and property stated in § 1B below:

Start mm/yyyy	End mm/yyyy	Plan Payment	Estimated Conduit Payment	Total Monthly Payment	Total Payment Over Plan Tier
6/2019	10/2023	\$300.00	\$0.00	\$300.00	\$15,900.00
				Total Payments:	\$15,900.00

2. If the plan provides for conduit mortgage payments, and the mortgagee notifies the Trustee that a different payment is due, the Trustee shall notify the Debtor and any attorney for the Debtor, in writing, to adjust the conduit payments and the plan funding. Debtor must pay all post-petition mortgage payments that come due before the initiation of conduit mortgage payments.
3. Debtor shall ensure that any wage attachments are adjusted when necessary to conform to the terms of the plan.
4. CHECK ONE: ( ) Debtor is at or under median income. *If this line is checked, the rest of § 1.A.4 need not be completed or reproduced.*

(✓) Debtor is over median income. Debtor estimates that a minimum of \$ 15,060.00 must be paid to allowed unsecured creditors in order to comply with the Means Test.

**B. Additional Plan Funding From Liquidation of Assets/Other**

1. The Debtor estimates that the liquidation value of this estate is \$0.00. (Liquidation value is calculated as the value of all non-exempt assets after the deduction of valid liens and encumbrances and before the deduction of Trustee fees and priority claims.)

*Check one of the following two lines.*

☒ No assets will be liquidated. *If this line is checked, the rest of § 1.B need not be completed or reproduced.*

☐ Certain assets will be liquidated as follows:

2. In addition to the above specified plan payments, Debtor shall dedicate to the plan proceeds in the estimated amount of \$ \_\_\_\_\_ from the sale of property known and designated as \_\_\_\_\_. All sales shall be completed by \_\_\_\_\_, 20\_\_\_\_. If the property does not sell by the date specified, then the disposition of the property shall be as follows:
- \_\_\_\_\_

3. Other payments from any source(s) (describe specifically) shall be paid to the Trustee as follows: \_\_\_\_\_
- \_\_\_\_\_

**2. SECURED CLAIMS.****A. Pre-Confirmation Distributions. *Check one.***

☒ None. *If "None" is checked, the rest of § 2.A need not be completed or reproduced.*

☐ Adequate protection and conduit payments in the following amounts will be paid by the Debtor to the Trustee. The Trustee will disburse these payments for which a proof of claim has been filed as soon as practicable after receipt of said payments from the Debtor.

Name of Creditor	Last Four Digits of Account Number	Estimated Monthly Payment

1. The Trustee will not make a partial payment. If the Debtor makes a partial plan payment, or if it is not paid on time and the Trustee is unable to pay timely a payment due on a claim in this section, the Debtor's cure of this default must include any applicable late charges.
2. If a mortgagee files a notice pursuant to Fed. R. Bankr. P. 3002.1(b), the change in the conduit payment to the Trustee will not require modification of this plan.

**B. Mortgages (Including Claims Secured by Debtor's Principal Residence) and Other Direct Payments by Debtor. Check one.**

☐ None. If "None" is checked, the rest of § 2.B need not be completed or reproduced.

☒ Payments will be made by the Debtor directly to the creditor according to the original contract terms, and without modification of those terms unless otherwise agreed to by the contracting parties. All liens survive the plan if not avoided or paid in full under the plan.

Name of Creditor	Description of Collateral	Last Four Digits of Account Number
Caliber Home Loans	526 Kingston Road Harrisburg, PA 17112 Dauphin County	2322
Wells Fargo Auto Finance	2015 Toyota Rav-4 23000 miles	8802

**C. Arrears (Including, but not limited to, claims secured by Debtor's principal residence). Check one.**

☒ None. If "None" is checked, the rest of § 2.C need not be completed or reproduced.

☐ The Trustee shall distribute to each creditor set forth below the amount of arrearages in the allowed claim. If post-petition arrears are not itemized in an allowed claim, they shall be paid in the amount stated below. Unless otherwise ordered, if relief from the automatic stay is granted as to any collateral listed in this section, all payments to the creditor as to that collateral shall cease, and the claim will no longer be provided for under § 1322(b)(5) of the Bankruptcy Code:

Name of Creditor	Description of Collateral	Estimated Pre-petition Arrears to be Cured	Estimated Postpetition Arrears to be Cured	Estimated Total to be paid in plan

**D. Other secured claims (conduit payments and claims for which a § 506 valuation is not applicable, etc.)**

☒ None. If "None" is checked, the rest of § 2.D need not be completed or reproduced.

☐ The claims below are secured claims for which a § 506 valuation is not applicable, and can include: (1) claims that were either (a) incurred within 910 days of the petition date and secured by a purchase money security interest in a motor vehicle acquired for the personal use of the Debtor, or (b) incurred within 1 year of the petition date and secured by a purchase money security interest in any other thing of value; (2) conduit payments; or (3) secured claims not provided for elsewhere.

1. The allowed secured claims listed below shall be paid in full and their liens retained until the earlier of the payment of the underlying debt determined under nonbankruptcy law or discharge under §1328 of the Code.
2. In addition to payment of the allowed secured claim, present value interest pursuant to 11 U.S.C. §1325(a)(5)(B)(ii) will be paid at the rate and in the amount listed below, unless an objection is raised. If an objection is raised, then the court will determine the present value interest rate and amount at the confirmation hearing.
3. Unless otherwise ordered, if the claimant notifies the Trustee that the claim was paid, payments on the claim shall cease.

Name of Creditor	Description of Collateral	Principal Balance of Claim	Interest Rate	Total to be Paid in Plan

**E. Secured claims for which a § 506 valuation is applicable. Check one.**

- ☒ None. If "None" is checked, the rest of § 2.E need not be completed or reproduced.
- ☐ Claims listed in the subsection are debts secured by property not described in § 2.D of this plan. These claims will be paid in the plan according to modified terms, and liens retained until the earlier of the payment of the underlying debt determined under nonbankruptcy law or discharge under §1328 of the Code. The excess of the creditor's claim will be treated as an unsecured claim. Any claim listed as "\$0.00" or "NO VALUE" in the "Modified Principal Balance" column below will be treated as an unsecured claim. The liens will be avoided or limited through the plan or Debtor will file an adversary or other action (select method in last column). To the extent not already determined, the amount, extent or validity of the allowed secured claim for each claim listed below will be determined by the court at the confirmation hearing. Unless otherwise ordered, if the claimant notifies the Trustee that the claim was paid, payments on the claim shall cease.

Name of Creditor	Description of Collateral	Value of Collateral (Modified Principal)	Interest Rate	Total Payment	Plan, Adversary or Other Action

**F. Surrender of Collateral.** Check one.

☒ None. If "None" is checked, the rest of § 2.F need not be completed or reproduced.

☐ The Debtor elects to surrender to each creditor listed below the collateral that secures the creditor's claim. The Debtor requests that upon confirmation of this plan or upon approval of any modified plan the stay under 11 U.S.C. §362(a) be terminated as to the collateral only and that the stay under §1301 be terminated in all respects. Any allowed unsecured claim resulting from the disposition of the collateral will be treated in Part 4 below.

Name of Creditor	Description of Collateral to be Surrendered
Ashley HomeStore/Wells Fargo Bank, N.A.	Debtor does not have any of property that is secured. It was thrown away.
Toyota Motor Credit	2017 Toyota Rav-4

**G. Lien Avoidance.** Do not use for mortgages or for statutory liens, such as tax liens. Check one.

☒ None. If "None" is checked, the rest of § 2.G need not be completed or reproduced.

\_\_\_\_\_ The Debtor moves to avoid the following judicial and/or nonpossessory, nonpurchase money liens of the following creditors pursuant to § 522(f) (this § should not be used for statutory or consensual liens such as mortgages).

Name of Lien Holder			
Lien Description For judicial lien, include court and docket number.			
Description of the liened property			
Liened Asset Value			
Sum of Senior Liens			
Exemption Claimed			
Amount of Lien			
Amount Avoided			

### 3. PRIORITY CLAIMS.

#### A. Administrative Claims

1. Trustee's Fees. Percentage fees payable to the Trustee will be paid at the rate fixed by the United States Trustee.
2. Attorney's fees. Complete only one of the following options:
  - a. In addition to the retainer of \$1,000.00 already paid by the Debtor, the amount of \$3,000.00 in the plan. This represents the unpaid balance of the presumptively reasonable fee specified in L.B.R. 2016-2(c); or
  - b. \$ \_\_\_\_\_ per hour, with the hourly rate to be adjusted in accordance with the terms of the written fee agreement between the Debtor and the attorney. Payment of such lodestar compensation shall require a separate fee application with the compensation approved by the Court pursuant to L.B.R. 2016-2(b).
3. Other. Other administrative claims not included in §§ 3.A.1 or 3.A.2 above. *Check one of the following two lines.*

☒ None. If "None" is checked, the rest of § 3.A.3 need not be completed or reproduced.

\_\_\_\_\_ The following administrative claims will be paid in full.



Name of Creditor	Estimated Total Payment

**B. Priority Claims (including, certain Domestic Support Obligations)**

Allowed unsecured claims entitled to priority under § 1322(a) will be paid in full unless modified under §9.

Name of Creditor	Estimated Total Payment

**C. Domestic Support Obligations assigned to or owed to a governmental unit under 11 U.S.C. §507(a)(1)(B). Check one of the following two lines.**

☒ None. If "None" is checked, the rest of § 3.C need not be completed or reproduced.

☐ The allowed priority claims listed below are based on a domestic support obligation that has been assigned to or is owed to a governmental unit and will be paid less than the full amount of the claim. *This plan provision requires that payments in § 1.A. be for a term of 60 months (see 11 U.S.C. §1322(a)(4)).*

Name of Creditor	Estimated Total Payment

**4. UNSECURED CLAIMS**

**A. Claims of Unsecured Nonpriority Creditors Specially Classified.** *Check one of the following two lines.*

☒ None. *If "None" is checked, the rest of § 4.A need not be completed or reproduced.*

☐ To the extent that funds are available, the allowed amount of the following unsecured claims, such as co-signed unsecured debts, will be paid before other, unclassified, unsecured claims. The claim shall be paid interest at the rate stated below. If no rate is stated, the interest rate set forth in the proof of claim shall apply.

Name of Creditor	Reason for Special Classification	Estimated Amount of Claim	Interest Rate	Estimated Total Payment

**B. Remaining allowed unsecured claims will receive a pro-rata distribution of funds remaining after payment of other classes.**

**5. EXECUTORY CONTRACTS AND UNEXPIRED LEASES.** *Check one of the following two lines.*

☐ None. *If "None" is checked, the rest of § 5 need not be completed or reproduced.*

☒ The following contracts and leases are assumed (and arrears in the allowed claim to be cured in the plan) or rejected:

Name of Other Party	Description of Contract or Lease	Monthly Payment	Interest Rate	Estimated Arrears	Total Plan Payment	Assume or Reject
Hyundai Lease Titling Trust	2017 Hyundai Elantra 5NPD84LF9HH065347	\$0.00	0.0%	\$0.00	\$0.00	REJECT

**6. VESTING OF PROPERTY OF THE ESTATE.**

**Property of the estate will vest in the Debtor upon**

*Check the applicable line:*

- ☐ plan confirmation.  
☐ entry of discharge.  
☒ closing of case.

**7. DISCHARGE: (Check one)**

- ( ☒ ) The debtor will seek a discharge pursuant to § 1328(a).  
( ☐ ) The debtor is not eligible for a discharge because the debtor has previously received a discharge described in § 1328(f).

**8. ORDER OF DISTRIBUTION:**

If a pre-petition creditor files a secured, priority or specially classified claim after the bar date, the Trustee will treat the claim as allowed, subject to objection by the Debtor.

Payments from the plan will be made by the Trustee in the following order:

- Level 1: \_\_\_\_\_  
Level 2: \_\_\_\_\_  
Level 3: \_\_\_\_\_  
Level 4: \_\_\_\_\_  
Level 5: \_\_\_\_\_  
Level 6: \_\_\_\_\_  
Level 7: \_\_\_\_\_  
Level 8: \_\_\_\_\_

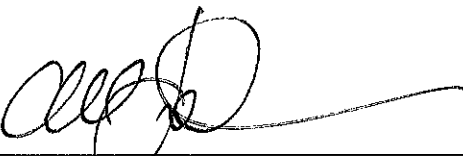
*If the above Levels are filled in, the rest of § 8 need not be completed or reproduced.* If the above Levels are not filled-in, then the order of distribution of plan payments will be determined by the Trustee using the following as a guide:

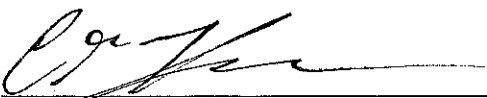
- Level 1: Adequate protection payments.
- Level 2: Debtor's attorney's fees.
- Level 3: Domestic Support Obligations.
- Level 4: Priority claims, pro rata.
- Level 5: Secured claims, pro rata.
- Level 6: Specially classified unsecured claims.
- Level 7: Timely filed general unsecured claims.
- Level 8: Untimely filed general unsecured claims to which the Debtor has not objected.

## 9. NONSTANDARD PLAN PROVISIONS

**Include the additional provisions below or on an attachment. Any nonstandard provision placed elsewhere in the plan is void. (NOTE: The plan and any attachment must be filed as one document, not as a plan and exhibit.)**

Dated: 6/10/2019

  
\_\_\_\_\_  
Attorney for Debtor

  
\_\_\_\_\_  
Debtor

\_\_\_\_\_  
Joint Debtor

By filing this document, the debtor, if not represented by an attorney, or the Attorney for Debtor also certifies that this plan contains no nonstandard provisions other than those set out in § 9.

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

**IN RE: CHARLES A. BUDZINA** : **CASE NO.: 1:18-bk-04574-HWV**  
:   
:   
**Debtors** :   
: **CHAPTER 13 PLAN**

Notice is hereby given that **Charles A. Budzina** (collectively the “Debtor”) has filed a **Second Amended Chapter 13 Plan** (the “Plan”). The hearing on confirmation of the Plan of reorganization of the Debtor is scheduled for **July 24, 2019 at 9:30 a.m.** The hearing will be held at the United States Bankruptcy Court, Ronald Reagan Federal Building, Bankruptcy Courtroom, Third Floor, Third and Walnut Streets, Harrisburg, PA 17101.

**July 17, 2019** is the deadline for filing objections to confirmation of the Plan. Anyone wishing to object to the Plan must do so in writing. Any objection shall be in accordance with the Federal Rules of Bankruptcy Procedure, must set forth specifically the basis for such objection, and must be filed with the Clerk of the United States Bankruptcy Court at the address set forth below on or before **July 17, 2019**. The objecting party shall appear at the hearing. Unless objections are timely filed and the objecting party appears at the hearing, the Court may approve the Plan. A copy of any objection to the Plan must be served on Debtor’s counsel, Jacobson, Julius & Harshberger, 8150 Derry Street, Harrisburg, Pennsylvania 17111, facsimile 717-909-7878, such that they have receipt of such objection on or before **July 17, 2019**.

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Initial requests for a continuance of hearing (L.B.F. 9013-4, Request to Continue Hearing/Trial with Concurrence) shall be filed with the Court. Requests received by the Court within twenty-four (24) hours of the hearing will not be considered except in emergency situations. Additional requests for continuance must be filed as a Motion.

Requests to participate in a hearing telephonically shall be made in accordance with L.B.R. 9074-1(a).

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***Please note that evidentiary hearings will not be conducted at the time of the confirmation hearing. If it is determined during the confirmation hearing that an evidentiary hearing is required, the evidentiary hearing will be scheduled for a future date.***

Copies of all documents filed in connection with this matter are available for inspection at the Clerk’s office located on the Third Floor of the Federal Building, Third and Walnut Street, Harrisburg, Pennsylvania.

CLERK  
UNITED STATES BANKRUPTCY COURT  
MIDDLE DISTRICT OF PENNSYLVANIA  
THE RONALD REAGAN FEDERAL BUILDING  
228 WALNUT STREET, ROOM 320  
HARRISBURG, PA 17108

Date: June 10, 2019

**CERTIFICATE OF SERVICE**

I, Colleen Reed, with Jacobson, Julius & Harshberger, do hereby certify that on this day I served the within *Notice to Parties in Interest and Second Amended Chapter 13 Plan* upon the following persons via the ECF/CM system and/or by depositing a true and correct copy of the same in the United States Mail, first class, postage prepaid:

ECF/CM:

Charles J. Dehart III, Esquire (Trustee)  
8125 Adams Drive, Suite A  
Hummelstown, PA 17036

U.S. Trustee  
228 Walnut Street,  
P.O. Box 969  
Harrisburg, PA 17101-0969

First –Class Mail

All creditors on the mailing matrix (attached)

DATED: June 10, 2019

s/Colleen Reed  
Colleen Reed, Paralegal

Label Matrix for local noticing  
0314-1  
Case 1:18-bk-04574-HWV  
Middle District of Pennsylvania  
Harrisburg  
Mon Jun 10 15:58:49 EDT 2019

Boscovs/Comenity Capital Bank  
PO Box 182120  
Columbus, OH 43218-2120

Caliber Home Loans  
PO box 24610  
Oklahoma City, OK 73124-0610

(p)CAPITAL ONE  
PO BOX 30285  
SALT LAKE CITY UT 84130-0285

Discover Bank  
Discover Products Inc  
PO Box 3025  
New Albany, OH 43054-3025

Heritage First ENT  
2025 Technology Pkwy Suite G 03  
Mechanicsburg, PA 17050-9400

Chad J. Julius  
Jacobson & Julius  
8150 Derry Street, Suite A  
Harrisburg, PA 17111-5212

Lowe's/Synchrony Bank  
Po Box 965005  
Orlando, FL 32896-5005

(p)PORTFOLIO RECOVERY ASSOCIATES LLC  
PO BOX 41067  
NORFOLK VA 23541-1067

SunTrust Bank  
Attn: Support Services  
P.O. Box 85092  
Richmond, VA 23286-0001

American Express  
World Financial Center  
200 Vesay Street  
New York, NY 10285-1000

Charles A Budzina  
526 Kingston Road  
Harrisburg, PA 17112-2231

Caliber Home Loans, Inc.  
13801 Wireless Way  
Oklahoma City OK 73134-2500

Capital One, N.A.  
c/o Becket and Lee LLP  
PO Box 3001  
Malvern PA 19355-0701

(p)DISCOVER FINANCIAL SERVICES LLC  
PO BOX 3025  
NEW ALBANY OH 43054-3025

Hyaundia Finance  
PO Box 20835  
Fountain Valley, CA 92728-0835

Kohls Department Store  
PO Box 3115  
Milwaukee, WI 53201-3115

Merrick Bank  
PO Box 9201  
Old Bethpage, NY 11804-9001

Quantum3 Group LLC as agent for  
Comenity Capital Bank  
PO Box 788  
Kirkland, WA 98083-0788

Toyota Motor Credit  
Cedar Rapids, IA 52411

Barclays Bank of Delaware  
125 S. West Street  
Wilmington, DE 19801-5014

Bureau of Account Management  
3607 Rosemont Avenue  
Ste. 502  
Camp Hill, PA 17011-6943

Capital One Bank (USA), N.A.  
PO Box 71083  
Charlotte, NC 28272-1083

Charles J DeHart, III (Trustee)  
8125 Adams Drive, Suite A  
Hummelstown, PA 17036-8625

FirstMark/Citizens Bank  
121 South 13th Street  
Lincoln, NE 68508-1904

Hyundai Lease Titling Trust  
PO Box 20809  
Fountain Valley, CA 92728-0809

Lightstream/Suntrust Bank  
303 Peachtree Street  
Atlanta, GA 30308-3201

PRA Receivables Management, LLC  
PO Box 41021  
Norfolk, VA 23541-1021

Thomas Song  
Phelan Hallinan Diamond & Jones  
1617 JFK Boulevard  
Suite 1400  
Philadelphia, PA 19103-1814

Toyota Motor Credit Corporation  
PO Box 9013  
Addison, Texas 75001-9013

USAA Savings Bank  
10750 McDermott Street  
San Antonio, TX 78288-1600

United States Trustee  
228 Walnut Street, Suite 1190  
Harrisburg, PA 17101-1722

James Warmbrodt  
701 Market Street Suite 5000  
Philadelphia, PA 19106-1541

Wells Fargo -Ashley Home Store  
PO Box 14517  
Des Moines, IA 50306-3517

Wells Fargo Auto Finance  
400 Redland Court  
#200  
Harrisburg, PA 17111

Wells Fargo Bank N.A., d/b/a Wells Fargo Aut  
PO Box 130000 Raleigh, NC 27605

Wells Fargo Bank, N.A.  
P.O. Box 10438, MAC F8235-02F  
Des Moines, IA 50306-0438

The preferred mailing address (p) above has been substituted for the following entity/entities as so specified  
by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g)(4).

Capital One Bank USA NA  
PO Box 85015  
Richmond, VA 23285-5075

Discover Bank  
PO Box 15316  
Wilmington, DE 19850

Portfolio Recovery Associates, LLC  
POB 12914  
Norfolk VA 23541

The following recipients may be/have been bypassed for notice due to an undeliverable (u) or duplicate (d) address.

(u)CALIBER HOME LOANS, INC.

(d)PRA Receivables Management, LLC  
PO Box 41021  
Norfolk, VA 23541-1021

(u)Toyota Motor Credit Corporation

End of Label Matrix  
Mailable recipients 36  
Bypassed recipients 3  
Total 39